

## Trademark Law

**Law No. 34 for the year 1999**  
**Official Gazette No. 4389 dated 1.11.1999**

### **Article 1** **Title and effective date**

This law shall be called "the amended Trademarks Law for the year 1999" and shall be read in conjunction with the Law No. 33 for the year 1952, referred to hereinafter as the original law, as one law. This law shall come into force thirty days after the date of its publication in the Official Gazette.

### **Article 2** **Explanation of terms**

The following terms and expressions wherever mentioned in the law shall have the meanings assigned to each of them hereunder unless the context requires otherwise:

- The Ministry: The Ministry of Industry and Trade
- The Minister: The Minister of Industry and Trade
- The Registrar: The Registrar of Trademarks
- The Register: The Register of Trademarks
- The Trademark: Any visually perceptible sign used or to be used by any person for distinguishing his goods or services from those of others.
- The Well-Known Mark: The mark with a world renown whose repute surpassed the country of origin where it has been registered and acquired a fame in the relevant sector among the consumer public in the Hashemite Kingdom of Jordan.
- The Collective Mark: The mark used by a legal person for certifying the origin of goods not manufactured by him or the materials out of which they were made or the manufacturing precision or other characteristic of those goods.

### **Article 3** **The Trademarks Register**

1. A register named the Trademarks Register shall be kept in the Ministry under the supervision of the Registrar. All trademarks, their owners' names and addresses and the following matters shall be recorded in the Register:
  - a. Any transfer, assignment, ownership change or license to use from the owner to third parties except for the confidential contents of the license contract.
  - b. Any pledge or security interest made to a trademark or any restriction to its use.
2. The public shall have the right to review the Trademarks Register pursuant to the regulations issued by the Minister for this purpose and to be published in the Official Gazette.

3. A computer may be used for recording marks and their particulars. The particulars and printouts which are certified by the Registrar shall be an authoritative source.

#### **Article 4 Merger of the existing register**

The trademarks register existing at the date of the coming into force of the present law shall be merged into, and shall form a complementary part of the register provided for in the preceding Article. Subject to the provisions of Article 30 of this law, the validity of the original entry of any trademark in the register shall be determined in accordance with the law in force at the date of such entry, and such trademark shall retain its original date, but for all other purposes it shall be deemed to be a trademark registered under this law.

#### **Article 5 Inspection of the register and obtaining extracts thereof**

The register kept under this law shall at all convenient times be open to inspection by the public, subject to such regulations as may be prescribed. A certified copy of any entry in such register shall be given to any person requesting the same after payment of the prescribed fee.

#### **Article 6 Trademark registration applications**

A person desiring to have the exclusive use of a trademark for distinguishing goods of his own production, manufacture, selection, or in respect of which he issued a certificate, or goods in which he trades or intends to trade, may apply for the registration of such trademark in accordance with the provisions of this law.

#### **Article 7 Trademarks eligible for registration**

1. A trademark shall be registered if it is distinctive, as to words, letters, numbers, figures, colors, or other signs or any combination thereof and visually perceptible.
2. For the purposes of this Article, "distinctive" shall mean applied in a manner which secures distinguishing the goods of the proprietor of the trademark from those of other persons.
3. In determining whether a trademark has a distinctive character as mentioned here in before, the registrar or the court may, in the case of a trademark in actual use, take into consideration the extent to which such use has rendered the trademark in fact distinctive for the goods in respect of which it is registered or is intended to be registered.
4. A trademark may be limited in whole or in part to one or more particular colors. In such instance, the fact that the trademark is limited to such colors shall be taken into consideration by the registrar or the court when deciding on the distinctiveness character of such trademark. If and so far as a trademark is registered without limitation to color, it shall be considered to be registered for all colors.
5. The registration of a trademark should be restricted to particular goods or a specified class of goods.
6. Any disagreement arising as to the class to which any goods belong shall be determined by the registrar, whose decision shall be final.

## **Article 8**

### **Marks which may not be registered as trademarks**

The following may not be registered as trademarks:

1. Marks which resemble the emblem of His Majesty the King or royal crests or the word royal or any other words, characters or representations which may lead to the belief that the applicant enjoys royal patronage.
2. The insignia or decorations of the government of the Hashemite Kingdom of Jordan or those of foreign states or countries unless with the authorization of the competent authorities.
3. Marks indicating any official designation unless the application of which is demanded by the competent authorities to whom such mark belongs or is under their supervision.
4. Marks which resemble the national flag or the military or naval banners of the Hashemite Kingdom of Jordan or its honorary decorations or insignia or the national, military or naval banners.
5. Marks which include the following words and expressions: "patent", "patented", "by royal patent", "registered", "registered design", "copyright", "counterfeiting is forgery", or similar words or expressions.
6. Marks which are contrary to the public order or morality or which lead to deceiving the public, or marks which encourage unfair trading competition or contain false indications as to their real origin.
7. Marks consisting of figures, characters or words which are commonly used in trade to distinguish or describe kinds of goods or their classes or describe the type or class of goods, or words whose ordinary signification is geographical or a surname, unless represented in a special manner, provided that nothing contained in this paragraph shall be deemed to prohibit the registration of marks of the nature described herein which have a distinctive character within the meaning provided for in items 2 and 3 of Article (7).
8. Marks identical with or similar to emblems of exclusively religious signification.
9. Marks which contain the picture, name or the trade name of a person, or the name of a body corporate or of an association, unless the consent of the person or body corporate concerned has been obtained. In the case of persons recently dead, the registrar may ask for consents of their legal representatives.
10. A mark identical with one belonging to a different proprietor which is already entered in the register in respect of the same goods or class of goods for which the mark is intended to be registered, or so closely resembling such trademark to the extent that it may lead to deceiving third parties.
11. Marks which are similar to or identical with the insignia of the Red Crescent or the Red Cross on a white background or the insignia of the red Cross or the Cross of Geneva.
12. The trademark which is identical or similar to, or constitutes a translation of, a well-known trademark for use on similar or identical goods to those for which that one is well-known for and whose use would cause confusion with the well-known mark, or for use of different goods in such a way as to prejudice the interests of the owner of the well-known mark and leads to believing that there is a connection between its owner and those goods as well as the marks which are similar or identical to the honorary badges, flags, and other insignia as well as the names and abbreviations relating to international or regional organizations or those that offend our Arab and Islamic age-old values.

## **Article 9**

### **Name or description of goods**

Where the name or description of any goods is incorporated in a trademark, the registrar may refuse to register such mark in respect of any goods other than the goods so named or described. Where the trademark incorporates the name or description of any goods which varies in use, the registrar may permit the registration of the mark incorporating the name or description in respect of goods other than those named or described in the event the applicant points out in his application that a difference in the name or description exists.

#### **Article 10** **Collective Marks**

1. The Registrar may register a collective trademark if it meets the requirements in Article 7 Paragraph (1). The collective mark shall be regarded, in all respects, as a special trademark for the legal person registered in its name.
2. The ownership of a collective trademark shall not be assigned, be reregistered after cancellation, or be abandoned except in the name of the legal person registered originally in its name or in the name of his legal successor.
3. It shall be permissible to register a mark for noncommercial purposes like the insignia adopted by public-good bodies or professional bodies for their correspondence stationery or for its membership and shall be treated as a collective mark.
4. The conditions for registering collective marks and all regulatory matters thereof shall be governed by the implementing regulations to be issued by the Minister for this purpose and to be published in the Official Gazette.

#### **Article 11** **Trademark registration application**

1. Any person claiming to be the proprietor of a used or proposed to be used trademark who is desirous of registering such trademark shall apply in writing to the registrar in the prescribed manner.
2. Subject to the provisions of this law, the registrar may refuse such application or may accept it absolutely or subject to conditions, amendments or modifications as to the mode or place of use of the trademark or as to other aspects.
3. A rejection by the registrar to register a trademark shall be subject to appeal to the high court of justice.
4. The registrar or the high court of justice, as the case may be, may at any time, whether before or after acceptance, correct any error in connection with any application, or may ask the applicant to amend his application upon such terms as the registrar or the high court of justice may deem fit to impose.

#### **Article 12** **Disclaimers**

If a trademark incorporates matters in common use in the trade or otherwise is neither in such common use nor has an obvious feature, the registrar or the high court of justice may require, in deciding whether such trademark shall be entered or shall remain entered in the register, as a condition for maintaining it entered in the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trademark, or of all or any portion of such matters, to the exclusive use of which the registrar or the court holds him not to be entitled, or that he shall make such other disclaimer as the registrar or the court may consider needful for the purpose of defining the rights of the proprietor of the trademark under such registration, provided always that no disclaimer by the proprietor of the trademark entered in the register shall affect any of his

rights except to the extent resulting from the registration of the trademark in respect of which the disclaimer is made.

### **Article 13 Publication of an application**

When accepting an application for the registration of a trademark, whether such acceptance be absolute or subject to conditions or limitations, the registrar shall, as soon as possible after such acceptance, cause the application in the manner in which it has been accepted to be published in the prescribed manner. Such publication shall include all the conditions and limitations subject to which the application has been accepted.

### **Article 14 Opposition to Registration**

1. Any person may within three months as from the date of the publication of an application for the registration of a trademark, or within such other time as may be prescribed, file with the registrar a notice of opposition to the registration of such trademark. In the case of applications published before the coming into force of this law, the period within which and the manner in which the notice of opposition thereto may be filed shall be governed by the provisions of the trademarks law in force on the date of publication.
2. A notice of opposition shall be given in writing in the prescribed manner and shall include a statement of the grounds for the opposition.
3. The registrar shall send a copy of such notice of opposition to the applicant who shall, within the prescribed time after the receipt of such notice, send to the registrar in the prescribed manner a counter-statement including the grounds on which his application for the registration of the trademark is based. If he fails to do so, he shall be deemed to have abandoned his application.
4. If the applicant sends a counter-statement, the registrar shall furnish a copy thereof to the person or persons opposing the registration, and shall after hearing the parties, if necessary, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.
5. The decision of the registrar may be appealed to the high court of justice.
6. An appeal made under this Article shall be submitted within twenty days as from the date of the decision of the registrar. When debating such appeal, the high court of justice shall hear the parties and the registrar, if necessary, and shall issue a decision determining whether, and subject to what conditions, registration is to be permitted.
7. On hearing any such appeal, any party may, either in the manner prescribed or by special leave of the high court of justice, bring forward further evidence for the consideration of the high court of justice.
8. In the course of an appeal under this Article, no further grounds for the opposition to the registration of a trademark shall be demonstrated by the opponent or the registrar other than those stated by the opponent as here in above provided, except by leave of the high court of justice hearing the appeal. Where any further grounds of opposition are taken, the applicant shall be entitled, after having been notified of such action in the prescribed manner, to withdraw his application without payment of the costs incurred by the opponent.
9. When examining any appeal made under this Article, the high court of justice may, after hearing the registrar, permit the applied trademark to be modified in any manner not substantially affecting the identity of such trademark. In such a case, the trademark so modified shall be published in the prescribed manner before being registered.

## **Article 15**

### **Registration date**

1. If the application for the registration of a trademark was accepted and has not been opposed, and the prescribed time for opposition expires, or having been opposed and the opposition has been decided in favor of the applicant, the registrar shall register the said trademark, on receiving payment of the prescribed fee, and unless the application has been accepted in error or unless the court otherwise directs. The trademark shall then be registered as from the date of the application for registration.

In the case of an application filed in compliance with the provisions of Article 41 of this law, the trademark shall be registered as from the date of application for registration in the foreign country, and such date shall be deemed for the purposes of this law to be the date of registration.

2. On the registration of a trademark the registrar shall issue to the applicant a certificate of the registration of such trademark in the prescribed form.

## **Article 16**

### **Non-completion of registration**

Where the registration of a trademark is not completed within twelve months as from the date of application by reason of default on the part of the applicant, the registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless completed within the time specified by the registrar in that notice.

## **Article 17**

### **Rival claims to identical trademarks**

Where separate applications are made by different persons to be registered as proprietors respectively of trademarks which are identical or closely resemble each other, in respect of the same goods or description of goods, the registrar may refuse to register any of such persons until their rights in respect of such trademarks have been established either:

1. by reaching between themselves to an agreement which meets with the approval of the registrar, or
2. by the high court of justice to whom the registrar shall refer the dispute in the absence of such agreement.

## **Article 18**

### **Concurrent use of a trademark**

1. In a case of honest concurrent use of a trademark or under circumstances which in the opinion of the registrar make proper the registration of the same trademark in the name of more than one person, the registrar may permit the registration of such a trademark or any trademarks which closely resemble it, for the same goods or class of goods in the names of more than one person, subject to such conditions and limitations as he may think fit to impose as to the mode or place of use or other respects.
2. A decision of the registrar under this Article may be appealed to the high court of justice, and the court shall on appeal have the same powers as are by this Article conferred upon the registrar.

3. An appeal under this Article shall be submitted within thirty days as from the date of the decision of the registrar.

#### **Article 19**

##### **Assignment of trademarks and allocation to partners on the dissolution of a partnership**

It shall be allowed to assign or to pledge the trademark without the ownership transfer of the business concern using the mark in distinguishing its products or to assign or pledge the business concern itself. The trademark may also be subject to a security interest independently from the business concern.

1. The ownership of the trademark shall be transferred with the ownership transfer of the business concern if it closely relates to it unless otherwise is agreed upon.
2. If the business concern ownership is transferred without the trademark, the transferor may continue using the trademark for the goods registered for.
3. The assignment or pledge of a trademark shall not be invoked against third parties except as of the recordal date thereof in the register and shall be published in the Official Gazette.
4. The Implementing Regulations to be issued by the Minister for this purpose and to be published in the Official Gazette shall determine the procedures for trademark assignment, pledge, security interest and all legal disposals of the trademark.

#### **Article 20**

##### **Duration of registration**

The ownership right of a trademark shall be for 10 years as of its registration date and may be renewed for 10-year periods under the provisions of this law.

1. The trademarks registered or renewed before the enforceability of this law shall be renewed for 10 years when their validity periods expire.

#### **Article 21**

##### **Registration Period Renewal**

The Registrar shall renew the trademark registration upon a request from its registrant pursuant to the provisions of this law.

1. Should the trademark owner fail to renew the trademark registration, then it shall be regarded as canceled under the law after the elapse of one year of its renewal due date. A third party may apply for its registration in his name after the elapse of another year.
2. The owner of the trademark registration which is regarded as canceled may apply for its re-registration at any time unless it has been registered in the name of a third party.

#### **Article 22**

##### **Cancellation of a trademark for nonuse**

Without prejudice to the provisions of Article 26 of this law, whoever is interested may apply to the registrar for the cancellation of any trademark registered in the name of a third party if its registrant has not actually used it continuously for a period of three years preceding the

application unless the registrant proves that nonuse has been due to special circumstances in the trade or to justifiable reasons which prevented use.

1. Use of the registered trademark by third parties under the authorization of its owner shall be regarded as use for the purposes of continued registration under the provision of Paragraph 1 of this Article.
2. The Registrar shall permit, before he issues his decision on the cancellation application, the two parties to present their pleadings. The Registrar's decision shall be subject to appeal before the High Court of Justice.

### **Article 23 Registration of the assignment of trademarks**

Where a person becomes the proprietor of a registered trademark by assignment, transfer or other legal action, he shall apply to the registrar to enter his title to the trademark in the register, and the registrar shall, upon receipt of such application and conviction of the title, register such trademark in the name of that person, and shall cause an entry of the mark to be made in the register. Any decision of the registrar made under this Article shall be subject to appeal to the high court of justice.

1. Except in cases of appeals under this Article, and unless the court otherwise directs, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of the preceding paragraph shall not be admitted as evidence supporting title to a trademark.

### **Article 24 Incidental alteration of registered trademarks**

The registered proprietor of a trademark may apply to the registrar in the prescribed manner for permission to add to or alter such trademark in any manner not affecting the identity of the trademark, and the registrar may refuse such permission or may grant it on such terms and subject to such limitations as he may think fit. Any such refusal or permission shall be subject to appeal to the high court of justice.

1. If permission to add or alter is granted, the trademark as altered shall be published in the prescribed manner.

### **Article 25 Amendment of the register**

Having regard to the provisions of this law:

1. Any person aggrieved by non-insertion in the register or removal from the register of any entry made without sufficient cause to justify such entry, or by any entry unfairly remaining on the register, or by any error or defect in any entry standing in the register, shall have the options of submitting an application in the prescribed manner to the high court of justice, or make such application to the registrar in the first instance.
2. The registrar may, at any stage of the proceedings, refer any such application to the high court of justice, or he may after hearing the parties, determine the case between them, subject to appeal to the high court of justice.

3. The high court of justice may, in any proceeding brought before it under this Article, decide on any question that may be necessary or expedient to decide in connection with the amendment of the register.
4. In the event of falsification in the registration, assignment or transfer of a registered trademark, the registrar may himself apply to the high court of justice under the provisions of this Article.
5. An application for removal from the register of a trademark on the grounds that there is no justification for its registration according to the provisions of Article 6) 7 or 8 of this law, or on the grounds that the registration of the trademark creates an unfair competition in respect of the applicant's rights in the Hashemite Kingdom of Jordan, must be made within five years as from the registration of the trademark.
6. Any order of the high court of justice amending the register shall direct that a notice of the amendment be served upon the registrar by the party in whose favor the decision was issued and the registrar shall, upon receipt of such notice, amend the register according to the pronouncement of the decision.

#### **Article 26**

##### **Rights of the proprietor of a trademark**

1.
  - a. The right to use the duly registered trademark shall be limited to its owner and he shall have the right to prevent third parties from using confusingly identical or similar marks without his prior consent. Confusion shall be assumed if an identical trademark is used for identical goods.
  - b. If a trademark is well-known and if it is not registered, then its owner may demand the competent court to prevent third parties from using it on identical or unidentical goods or services provided that such use indicates a connection between those goods or services and the well-known mark and provided that there is a likelihood of prejudice to the interests of the trademark owner because of such use. A likelihood of confusion shall be assumed if an identical well-known mark is used on identical goods.
  - c. If two or more registered persons of one trademark (or a mark confusingly similar) cover the same goods, none of them shall alone have the right to use it under the registration (except to the extent determined by the Registrar or the High Court of Justice). Otherwise, each of them shall have the self-same rights as if he were the only registered proprietor of the trademark.
2. The trademark owner may license one or more persons, under a notarized contract to be filed with the Registrar, to use the mark for all or some of the goods. Likewise, the trademark owner shall have the right to use it unless otherwise is agreed upon. The use license must not exceed the protection period of the registered mark.
3. The conditions under which the license contract may be recorded, renewed, enforced in the geographical area, rescinded, and struck off as well as any other relevant matters shall be governed by the implementing regulations to be issued by the Minister and to be published in the Official Gazette.

#### **Article 27**

##### **Correction of the register**

The registrar may on the strength of a request made in the prescribed manner by the registrant:

1. Correct any error in the name or address of the registrant.

2. Enter any change in the name or address of the registrant.
3. Strike off any goods or classes of goods from those for which a trademark is registered.
4. Enter a disclaimer or memorandum relating to a trademark, if that disclaimer or memorandum does not in any way extend the rights given by the existing registration of such trademark, or
5. Cancel the entry of a trademark in the register.

Any decision of the registrar made under the provisions of this Article shall be subject to appeal before the high court of justice.

#### **Article 28**

##### **Applications for the insertion in the register of entries relating to amendment or substitution of the classes of goods**

The minister of commerce may, from time to time, on the strength of a motion by the registrar and approval of the council of ministers, set down regulations, prescribe such forms and generally do such things as he thinks expedient for empowering the registrar to amend the register, whether by making new entries or expunging or varying entries therein, to the extent which may be requisite for the purpose of securing conformity between the designation therein of the goods or classes of goods, in respect of which the trademark is registered, with any amended or substituted classification that he may order to be entered.

1. In exercising any power of those conferred on him in accordance with the aforesaid, the registrar may not make any amendment of the register that may result in adding any goods or any other class of goods to those goods or classes of goods in respect of which a trademark is registered immediately prior to the date the amendment is to be made. He may not also antedate the registration of a trademark in respect of goods with a date previous to the registration, provided that the provisions of this paragraph shall not affect any aspect in relation to the goods which the registrar believes the application of the provisions of this paragraph to which shall involve undue complexity and that the addition or antedating, as the case may be, shall not tackle a substantial portion of the goods and shall not prejudice the rights of any person.
2. A proposal for the amendment of the register shall, for the purposes of the aforesaid, be notified to the registered proprietor of the trademark affected. The said registrant may appeal to the high court of justice, provided that the proposal shall be published along with any modification thereto. Likewise, any person aggrieved by the proposal may oppose the amendment before the registrar on the grounds that the proposed amendment contravenes the provisions of the last preceding paragraph. The decision of the registrar on any such opposition shall be subject to appeal to the high court of justice.

#### **Article 29**

##### **Registration is a principal evidence**

The registration of a person as the proprietor of a trademark shall in all legal proceedings relating to the registration constitute evidence of the validity of the original registration of such trademark and all subsequent assignments and transfers of the trademark.

#### **Article 30**

##### **Trademarks registered under previous laws and other provisions relating to the transitional period**

No trademark which is entered in the register at the commencement of this law and which under the present law is a registrable trademark, shall be removed or struck off the register on the mere grounds that it was not registrable under the laws in force at the date of its registration. But there is no provision in this Article which shall subject any person to any liability as a result of any act or thing done before the enforcement of this law to which he would not have been subject under the law then in force.

### **Article 31**

#### **The registrar's right to deliver a notice of the procedures for the rectification thereof**

In any legal proceedings for the purpose of alteration or rectification of the register, the registrar may appear before the court and express his point of view, and shall appear before the court if so directed. Unless the court sees otherwise, the registrar may in lieu of appearing in person submit to the court a statement in writing signed by him and including what he considers relevant details of the proceedings effected before him in relation to the disputed matter or of the grounds on the basis of which he issued his decision in respect of such case, or of the practice followed by the office in similar cases, or such other matters affecting the case which are within his knowledge in his capacity as the registrar. Such a statement shall be deemed to form part of the evidence in the proceedings.

### **Article 32**

#### **Certificates of the registrar constitute evidence**

A certificate purporting to be under the hand of the registrar as to any entry, the matter or thing which he is authorized by the provisions of this law or any regulations made thereunder to make or do, shall be prima facie evidence of the entry having been made and of the contents thereof, and of the matter or thing having been done or not done.

### **Article 33**

#### **Penalty for falsely claiming registration of a trademark**

1. Any person who presents a trademark as registered while it is not, shall be liable to a fine not exceeding fifty Dinars on conviction for every offense.
2. A person shall, for the purposes of this Article, be deemed to have presented a trademark as registered if he uses in connection with the trademark the word "registered" or any words which expressly or implicitly indicate that such a trademark has been registered.

### **Article 34**

#### **Unregistered trademarks**

1. No person shall have the right to file a lawsuit to claim damages for any infringement upon a trademark not registered in the Kingdom. However, he shall have the right to apply for the Registrar to cancel a trademark registered in the Kingdom by a person who doesn't own it after it was registered abroad if the grounds claimed are the ones mentioned in paragraphs 6, 7, 10 & 12 of Article 8 of this law.
2. The decision issued by the Registrar may be appealed under this law to the High Court of Justice within 60 days of its notification date.

### **Article 35**

#### **Infringement cases**

The court examining cases of infringement of trademarks shall accept certificates on current commercial transactions in respect of the process of manufacturing the goods for which the trademark is registered, and any trademark or manufacturing process legitimately used in connection with such goods by other persons.

#### **Article 36**

##### **Use of the name, place of business or description of goods**

A registration effected under this law shall not prevent any genuine use by a person of his own name or place of business, or that of any of his predecessors in business, or the use of any genuine description of the type and class of his goods.

#### **Article 37**

##### **Passing-off actions**

The provisions of this law include nothing which may affect the right to initiate a legal action against any person for the distribution of goods considering them to be as those of another person, or in safeguarding the rights of the owner of the goods.

#### **Article 38**

##### **Offenses**

1. Whoever committed with the intention to cheat any of the following deeds shall be penalized by an imprisonment term of no less than three months and no more than one year, or a fine of no less than 100 Jordanian Dinars and of no more than 3000 Jordanian Dinars or by those two penalties:
  - a. Whoever counterfeited a trademark registered under this law, imitated it in any other way that misleads the public, or affixed a counterfeit or imitation mark on the same goods for which the trademark has been registered.
  - b. Whoever illegally used a trademark owned by another on the same class of goods or services for which that trademark is registered.
  - c. Whoever sold or possessed for the purpose of selling or offered for sale goods bearing a trademark whose use is regarded as an offense under paragraphs (A) and (B) of this Article if he was cognizant of that beforehand.
2. Notwithstanding what is mentioned in paragraph 1 of this Article, whoever sells, or offers for sale, or possesses for the purpose of selling goods bearing a trademark whose use is regarded as a contravention under the items (A) and (B) of paragraph 1 shall be penalized by a fine of no less than 50 Jordanian Dinars and no more than 500 Jordanian Dinars.
3. The provisions of paragraph 1 of this Article shall apply to whoever started to commit any of those acts provided for in this Article or aided or abetted another to commit it.

#### **Article 39**

##### **Confiscation or destruction of goods by court order**

1. When filing a civil or criminal lawsuit, the owner of a registered trademark may, while reviewing the case, ask the court, provided that he submits a bank or monetary guarantee which the court accepts, for the following:
  - a. To stop the infringement.

- b. To make a precautionary seizure of the goods in regard of which the infringement has been committed whenever they were.
    - c. To preserve the evidence relating to the infringement.
  2.
    - a. Before filing a civil or criminal lawsuit, the owner of the trademark claiming infringement may request the court to take any of the measures provided for in paragraph 1 without notifying the defendant if it is proven that he is the owner of the trademark and that his rights were infringed or that the infringement is imminent or that it is likely he will sustain irreparable damage or if it is feared that the evidence will be hidden or destroyed provided that the application is accompanied by a bank or monetary guarantee accepted by the court. The defendant may appeal this decision within eight days of the date of its notification or understanding of it.
    - b. If the trademark owner doesn't file his lawsuit within eight days of the court's decision, all the measures taken in this regard shall be null and void.
  3. The defendant may claim damages if it is proven as a result of the lawsuit that the plaintiff is not rightful in his lawsuit or he hasn't filed a lawsuit during the prescribed period.
  4. The court may decide to seize the goods, materials for packaging, wrapping and advertising, plates, seals, and other tools and materials predominantly used in affixing the trademark on the goods or which the infringement was made with or stemmed from. The court may order to destroy them or to dispose of them for noncommercial purposes.

**Article 40**  
**Exercise of discretionary powers by the registrar**

Where any discretionary or other power is given to the registrar in accordance with this law or the regulations made hereunder, he shall not exercise that power adversely to the interests of the applicant for registration or the registered proprietor of the trademark in question, without giving such applicant or registered proprietor an opportunity of being heard, if the registrar is duly required to do so and within the prescribed time.

**Article 41**  
**Recognition of trademarks registered abroad upon adhesion of Jordan to international conventions**

1. If the Kingdom is bound by a bilateral agreement or is a member to an international convention which grants a reciprocal protection to the trademarks registered with any of them, then any national of the state member to the agreement or convention may file an application to the registrar to protect his trademark. Also, he shall have the priority right to those who filed prior applications in the Kingdom for that trademark provided that he files his trademark application in the Kingdom within six months of the following day to his application in his home country. In this case the registration date shall be regarded as the date of filing the actual trademark application in that country. He shall not have the right to file any civil or criminal lawsuit before the actual date on which his trademark has been registered in the Kingdom.
2. The provisions which provide temporary protection for the trademarks on the goods displayed in national or international exhibitions which are held in the Kingdom shall be governed by the regulations to be issued for this purpose. That shall not extend the priority deadlines referred to in the previous paragraph.

**Article 42**  
**Procedures followed in the registration of trademarks**

An application for the registration of a trademark under the last preceding Article shall be made in the same manner as for an ordinary application under this law, provided that an application for the registration of the mark has already been duly made in the country of origin.

**Article 43**

All the conditions and provisions mentioned in this law relating to trademarks which distinguish goods shall apply to the marks which distinguish services.

**Article 44**  
**Announcement of the states adhering to international conventions**

The provisions of Articles (41) and (42) of this law shall apply in the case of those foreign states to which the government of Jordan by a decision of the council of ministers declares them to be applicable.

**Article 45**  
**Power of the registrar to set down regulations**

The council of ministers may from time to time and with the approval of His Majesty the King set down the regulations which are necessary for the carrying into effect of this law in general and the following objectives in particular:

1. Fixing the fees payable under this law.
2. Classifying goods for the purpose of registration of trademarks or for requiring the submission of copies such as these.
3. Regulating the performance of the office in general in relation to trademarks and all things by this law placed under the direction or control of the registrar.

**Article 46**  
**Official fees**

1. There shall be paid in respect of applications and registrations and other matters under this law such fees as may be prescribed by regulations.
2. All fees collected in accordance with such regulations shall be paid to the registrar, who shall in turn pay them into the ministry of finance.

**Article 47**  
**Abrogation**

1. The Jordanian Trademarks Law of 1930 and all its amendments are hereby abrogated.
2. The Palestinian Trademarks Law No. 35 for the year 1938 and all its amendments are hereby abrogated.
3. All Jordanian and Palestinian legislations promulgated before the enactment of this law shall be abrogated to the extent to which these legislations are repugnant to the provisions of this law.

#### **Article 48**

The Prime Minister and Ministers shall be entrusted with the implementation of the provisions of this law.

### **Geographical Indications Law Law No. 8 for the Year 2000 Official Gazette No. 4423 dated 2.4.2000**

#### **Article 1**

This law is called (The Geographical indications law of 2000) which shall be effective after thirty days as of the date of its publication date in the official Gazette.

#### **Article 2**

The following words and phrases shall imply the meanings set forth hereinbelow unless otherwise indicated.

The Minister: the Minister of Industry and Trade.

The Geographical indication: Any indication which identifies a good as originating in a certain country or a region or territory of a country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

#### **Article 3**

- A. Any person shall be prohibited from doing the following:
  - 1. The use of any means in the designation or presentation of a good that indicate or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good.
  - 2. The use of any mean for identifying wine or spirits in a manner indicates or suggests that the goods in questions originates in a geographical area other than the true place of origin including the use of a geographical indication in translation or accompanied by (kind), (imitation) or the like.
  - 3. The use of a Geographical indication in a manner that may form public delusion in terms of the source of the product, even if the indication is literally correct.
  - 4. Any use of the geographical indication forming unfair competition contradictory to the honest practices in the commercial and industrial activities.
- B. Any acts or practices provided in paragraph (1) of such article, is deemed infringement of the geographical indication, which shall be liable for legal responsibility.

#### **Article 4**

- A.
  - 1. The trademark registrar may reject the registration of any trademark which contains or consists of a geographical indication with respect to goods not originating from the place of origin implied by the use of the geographical indication in a manner that misleads the public.

2. The registration of the trademark cited in item (1) of such article may be opposed against before the trademark registrar. Such trademark may be canceled as well from the register without being bound by the legal period related thereto which is stipulated in the prevalent trademark law.
- B. The provisions of article (A) of such article shall be applied even if the geographical indication is literally true, but misleads the public in respect of the product real place of origin.
  - C. The provision of item (1) of such article shall inure even if the use of the geographical indication in the wine or spirit related trademark does not mislead the public.
  - D. For the purposes of this article and subject to provisions of item 2 of paragraph (A) thereof, provision of the effective trademark law related to procedures and periods shall be applied.

#### **Article 5**

The decision of the trademark registrar, in respect of the cases mentioned in article 4 of such law shall be liable for cassation by appeal before the supreme court of justice within sixty days as of the date of notification thereof.

#### **Article 6**

- A. Subject to the provisions of item (3) of paragraph (A) of article (3) and paragraph (B) of article (4), the protection stipulated by such shall be granted to all wine related homonymous geographical law indications, provided ensuring equitable treatment of the producers concerned and that consumers are not misled.
- B. The practical principles of distinguishing the wine related homonymous geographical indications pursuant to the instructions issued by the Minister shall be determined and published in the official gazette.

#### **Article 7**

The following are not deemed violation of the Law:

- A.
  1. To own a trademark being similar or identical to a geographical indication through the bona fide use thereof before the effectiveness of the provision of such law, or before granting protection to the geographical indication in the place of origin.
  2. To submit a trademark registration application in the kingdom being identical or similar to a geographical indication or to register thereof in bona fide.
- B. To use a geographical indication in any manner indicating another country, if being identical to Arabic familiar expression of a common name of any product or service in the kingdom.
- C. A person using his/her name or ancestor's name in a commercial activity in a manner that does not mislead public.
- D. To use geographical indication which has no protection, or its protection was terminated in its place of origin, or is no longer used in this country.

#### **Article 8**

- A. Upon filing a civil lawsuit for preventing infringement on a geographical indication or upon examining such lawsuit, any interested party may submit an application to the relevant court, accompanied by bank or cash security, for undertaking the following procedures:
1. Stopping infringement.
  2. Precautionary impoundment of the goods subject of infringement wherever it was.
  3. Maintaining the evidences related to the infringement.
- B.
1. Before filing a lawsuit, the interested party should submit an application to the court accompanied by bank or cash security approved by the court, for undertaking the procedures provided in section (A) of this article, without notifying the respondent. The court shall accept his application on proving that:
    - The existence of infringement on the geographical indication.
    - The interested party fears of losing the evidence of infringement.
    - That the infringement has become imminent, and may cause damage which is impossible to prevent.
  2. If the interested party did not file his lawsuit within 8 days as of the date of the court approval for his request, the procedures taken for that purpose shall be deemed void and null.
  3. The respondent may appeal against the court decision of adopting the precautionary measures before the court of appeal within eight days as of the date of the respondent notification of the decision. The court decision shall be definite.
  4. The defendant may claim compensation for the damages caused to him if proving that the plaintiff was not rightful in his request of adopting the precautionary measures or that the plaintiff did not file his lawsuit during the period stipulated in item (2) of such paragraph.
- C. The defendant may claim compensation for the harm caused to him if the claim proved that the plaintiff was not right in his claim.
- D. The court may in every case resort to the opinions of the experienced people.
- E. The court may decide to impound the goods subject of infringement and the materials and tools used mainly in the infringement on the geographical indication born by such products. The court may further decide to spoil or dispose of such products, materials and goods in any purpose other than the commercial one.

## **Article 9**

The cabinet may issue the necessary regulations for implementing the provisions of such law.

## **Article 10**

The prime Minister and the ministers are entrusted by implementing the provisions of this law.

## **Trade Secrets and Unfair Competition Law Law No. 15 for the Year 2000 Official Gazette No.4423 dated 2.4.2000**

### **Article 1**

The law is called (Trade secrets and unfair competition law of 2000), and shall be effective after thirty days as of the date of its publication in the Official Gazette.

**Unfair competition  
Article 2**

- A. Any competition contradictory to the honest practices in the commercial and industrial activities shall be deemed one of the unfair competition acts and particularly the following:
  - 1. The activities that may by nature cause confusion with entity, products or commercial or industrial activities of one of competitors.
  - 2. Untrue assumptions in practicing trade, whereby causing deprivation of trust from one of the competitors' entity, products or industrial or commercial activities.
  - 3. The data or assumptions which use in commerce may mislead public in respect to the product's nature, methods of manufacturing, properties, amounts, and availability for use.
  - 4. Any practice that reduce the product reputation, cause confusion in respect to the product general shape or presentation, or mislead the public on declaring the product price or the method of counting thereof.
- B. If the unfair competition related to a trademark used in the kingdom either being registered or not and causes public misleading, provisions of paragraph (A) of such article shall be applied.
- C. The provisions of paragraphs (A) and (B) of this article shall be applied on the services as necessary.

**Article 3**

- A. Any concerned party may claim compensation for the damages caused to him as a result of any unfair competition.
- B. Upon filing a civil lawsuit related to unfair competition or during the examination of such lawsuit, any interested party may submit an application to the relevant court accompanied by bank or cash security accepted by the court for adopting the following measures:
  - 1. Stopping such competition.
  - 2. Precautionary Impoundment of the related articles and goods wherever it was.
  - 3. Reserving the related evidences.
- C.
  - 1. Any interested party may before filing his lawsuit, submit an application to the court accompanied by bank or cash security accepted by the court for adopting the measures provided in paragraph (B) of such article without further notifying the respondent. The court shall approve for his request on proving any of the following:
    - The competition has been committed against him.
    - The competition is about to take place, and may cause great damage that is hard to be redressed.
    - The interested party fears of loosing the competition evidence.
  - 2. If the interested part did not file his lawsuit within eight days as of the date of the court approval, all the measures adopted for this purpose shall be deemed void and null.
  - 3. The respondent shall appeal against the court decision of adopting the precautionary measures before the court of appeal within eight days as of the date of his notification with the decision. The court decision shall be definite.
  - 4. The respondent shall claim compensation for the harm caused to him, if proving that the plaintiff was not right in his request of adopting the precautionary

- measures or that the plaintiff did not file his lawsuit during the period provided in item (2) of such article.
- D. The defendant shall claim compensation for the harm caused to him if the claim proved that the plaintiff was not right in his claim.
  - E. The court shall in every case resort to the opinions of the experienced people.
  - F. The court shall decide to impound the goods subject of infringement and the materials and tools used mainly in the infringement. The court shall further decide to spoil or dispose of such products, materials and goods in any commercial purpose.

#### **Trade secrets**

##### **Article 4**

- A. For the purposes of this law, any information are deemed trade secrets, if characterized by:
  - 1. Is secret in the sense that it is not generally known in its final form or its precise components, among or readily accessible to persons within the circles that normally deal with this kind of information in question.
  - 2. Has commercial value because it is secret; and
  - 3. Has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.
- B. The provisions of such law shall not be applied on trade secrets contradictory to general system or public morals.

##### **Article 5**

- A. The person lawfully in control of the trade secret is every person having the right of its disclosure, using and keeping.
- B. The person lawfully in control of the secrets may prevent any person from misusing the protected trade secrets pursuant to such law.

##### **Article 6**

- A. Any person obtaining, using or disclosing trade secrets in violation of the honest commercial practices, without the consent of the person lawfully in control of such trade secrets, is deemed misuse of the trade secret.
- B. For the purpose of applying provision of paragraph (A) of such article, the following shall be deemed violation of the honest commercial practices:
  - 1. Breach of the contracts.
  - 2. Breach and inducement to breach of trusted secrecy of information.
  - 3. The acquisition of trade secrets by third party who knows, or is able to know that such parties acquisition of such secrets was a result of violating honest commercial practices.
- C. Individual access to trade secret or through reverse engineering shall not be deemed violation of the honest commercial practices.

##### **Article 7**

- A. The person lawfully in control of trade secrets may claim compensation for the damages caused to him as a result of misusing such secret.

- B. The person lawfully in control of trade secrets may, on filing a civil lawsuit for misusing trade secret or on examining thereof, request the following from the court, provided that his request is accompanied by bank or cash security accepted by the court:
  - 1. To stop the misusing.
  - 2. Precautionary Impoundment of the articles that include misused trade secrets, or the products that resulted of misusing, wherever it was.
  - 3. Reserving the related evidences.
- C. The provisions and procedures provided in article (3) of such law shall apply on using and misusing trade secrets in some cases other than those provided in such article.

### **Other provisions**

#### **Article 8**

If an official party stipulated, for approving for the marketing of pharmaceuticals, or agrochemical products in which new chemical materials are used, the submission of secret formulae or any data attained through considerable efforts such party should observe the following:

- A. The protection of such data from the unclassified commercial use, through preventing any other person who did not obtain the applicant approval from depending thereon for marketing his pharmaceuticals and products except after 5 years as of the date of the applicant obtaining any approval for marketing his products.
- B. Protecting such data from disclosure, unless:
  - 1. The disclosure is necessary for protecting the public.
  - 2. The official party has taken the necessary steps for the protection from unclassified commercial use of such data.

#### **Article 9**

- A. Every provision or condition restricting competition included in the license contract related to any of the intellectual property rights, which may have negative effect on commerce, or many hinder the transference or dissemination of the technology shall be void and null, and in particular:
  - 1. To prohibit the licensee from transferring modifications done on the technology included in the license contract except for the licensor (Back transferring of technology).
  - 2. Preventing the licensee from arising Juridical or Administrative disputes in respect of the licensed intellectual property right.
  - 3. To compel the licensee to accept the license with number of rights instead of one right only.
- B. The intellectual property rights mentioned in paragraph (A) of this article particularly include:
  - 1. Copyrights and neighboring rights.
  - 2. Trademarks.
  - 3. Geographical indications.
  - 4. Industrial drawings and Industrial designs.
  - 5. Patents.
  - 6. Layout designs of integrated circuits.
  - 7. Trade secrets.
  - 8. New varieties of plant.

#### **Article 10**



The cabinet shall issue the necessary regulations for implementing the provisions of this law.

**Article 11**

The Prime Minister and the ministers shall be entrusted with the implementation of the provisions of this Law.